

SEVERANCE PAY PLAN

INTRODUCTION

While we hope that the work of Fermi Research Alliance, LLC/Fermi National Accelerator Laboratory (Fermilab) will continue to expand and flourish, there are times when it may become necessary to reduce staffing. Fermilab has created the Fermi Research Alliance, LLC/Fermi National Accelerator Laboratory Severance Pay Plan (the “Plan”) to provide employees who terminate employment during a workforce reduction with a temporary source of income.

This booklet is a summary of the terms and conditions of the Plan. It is intended to give you general information concerning the Plan. However, in all instances, the actual Plan document controls. If you have questions or would like to see the actual Plan document, contact the Head of Workforce Development and Resources Section, the Plan Administrator.

WHAT IS WORKFORCE REDUCTION?

The Plan only applies when a Workforce Reduction is in effect. In order to qualify for benefits, the Workforce Reduction must be approved by the Plan Administrator and the Department of Energy under the Prime Contract. You will be notified if you are subject to a Workforce Reduction.

ELIGIBILITY

In order to be eligible for Severance Benefits, you must meet the following requirements:

1. You must have completed your entry probation period and be a regular full-time or part-time employee of Fermilab.
2. You must be notified that you are subject to a Workforce Reduction.
3. You must meet the eligibility requirements for the Workforce Reduction that is currently in effect. These requirements will be provided to you at the time you are notified of the Workforce Reduction.
4. You must be accepted for participation in the Workforce Reduction.

5. You must terminate employment as a result of the Workforce Reduction within the time period specified for that Workforce Reduction.

Even if you meet these requirements, you will not be eligible to receive benefits if any of the following apply to you.

1. You accept transfer to another facility, subsidiary, or affiliate of Fermilab.
2. You are offered employment at comparable pay and benefits by a successor contractor.
3. You resign.
4. You are terminated for unsatisfactory performance or cause.

BENEFITS

There are two types of benefits that may apply to you. They are: Pay In Lieu of Notice and Severance Pay. The amount of Severance Pay depends upon whether you are a Weekly or Monthly employee.

Pay in Lieu of Notice

It is the intent of Fermilab to provide two weeks notice of termination due to Workforce Reduction. In rare circumstances (such as unforeseen termination of a project) it may not be possible to give you a full two weeks notice before your job is eliminated. Under those circumstances, you will be paid your regular straight time pay for each day that notice was not provided up to the maximum of two weeks.

Severance Pay

In addition to Pay in Lieu of Notice, you may be entitled to severance pay.

Employees who are non-exempt and paid weekly at the time of termination will be eligible to receive the following benefits:

Non-Exempt (Weekly) Employees	
Years of Service	Severance Pay
Less than 1 year	2 weeks
1 year to 5 years	3 weeks
5 years to 10 years	5 weeks
10 years to 15 years	7 weeks
15 years to 20 years	9 weeks

20 years to 25 years	11 weeks
25 years plus	13 weeks

Employees who are exempt and paid monthly at the time of termination will be eligible to receive the following benefits:

Exempt (Monthly) Employees	
Years of Service	Severance Pay
Less than 1 year	1 month
1 year to 5 years	2 months
5 years to 10 years	3 months
10 years to 15 years	4 months
15 years to 20 years	5 months
20 years to 30 years	6 months
30 years plus	7 months

Severance pay is based on your regular base pay excluding overtime, shift differentials and bonuses. In no event is an Employee eligible for benefits both as a Weekly and Monthly Employee.

Deductions from Benefits

Severance Benefits are subject to all applicable federal and state deductions and withholding.

HOW ARE BENEFITS PAID?

Severance is paid in a single lump sum payment.

REEMPLOYMENT

Upon receipt of a lump sum payment, you will no longer have a right to reemployment with Fermilab. In the event that you are later reemployed, you may be required to refund any Severance Benefits received.

OTHER BENEFITS

Along with your notice of Workforce Reduction, you will receive a statement of any other benefit options that may be available to you. The acceptance of Severance Benefits will not affect any right that you may have under retirement or other plans of Fermilab, which are controlled by the terms of those plans.

CLAIM PROCEDURES

Any Employee who believes that he is entitled to a benefit under the Plan in an amount greater than he has received may file a claim for such benefit by writing to the Plan Administrator.

Every claim which is properly filed shall be answered in writing within 90 days of receipt stating whether the claim is granted or denied. The claims administrator may extend the 90 day period by up to an additional 90 days, if necessary due to circumstances beyond the Plan's control. If the claims administrator must extend the period, the claims administrator will provide you with a written notice of the extension, before the end of the 90 day period, that explains why the extension is necessary and the expected decision date.

If your claim is denied, you or your authorized representative may, within 60 days after the receipt of the written notice, write the claims administrator to appeal the denial. You may obtain, upon request and free of charge, reasonable access to and copies of all documents, records and other information relevant to your claim. You may also submit written comments, documents, records and other information relevant to your claim. The claims administrator's decision on appeal will be made within 60 days after receiving the appeal. If special circumstances require an extension of the time for making a decision on your appeal, the claims administrator will notify you that the decision will be delayed, provide the reason for the extension and explain when the decision will be made. If an extension is required, the claims administrator will make a decision as soon as possible, but no later than 120 days after receiving the appeal.

If your claim is completely or partially denied either on the initial claim or on appeal, the claims administrator will provide you with a written notice of the denial containing:

- The specific reason(s) for the denial and reference to the pertinent plan provisions upon which the denial is based;

- In the case of the denial of an initial claim, a description of any additional material or information you need to perfect your claim and the reasons why such material or information is necessary;
- In the case of a denial of an initial claim, an explanation of the plan's appeal procedures;
- In the case of a denial on appeal, a statement that you are entitled to receive, upon request and free of charge, reasonable access to and copies of all documents, records and other information relevant to the claim; and
- A statement that you have the right to bring a civil action under ERISA Section 502(a) following a denial on appeal.

The claims administrator's decision will be final and binding on participants, dependents, and any other interested party.

MISCELLANEOUS PROVISIONS

No Guarantee of Employment

Nothing contained in the Plan shall be construed as an agreement of employment, or as giving or conferring on any Employee the right to continued employment, or as a limitation on the right of Fermilab to terminate the employment of an Employee, with or without cause.

Funding

Benefits are paid out of the general assets of Fermilab pursuant to the Prime Contract. Fermilab is not required to fund or otherwise provide for the payment of benefits in any manner.

Amendment and Termination

Fermilab expects to continue the Plan indefinitely. However, it reserves the right to amend or terminate the Plan at any time, prospectively or retroactively, and for any reason. If the Plan is amended or terminated, Employees may not receive benefits as described in this Plan, may be entitled to receive different benefits, or benefits under different conditions. It is possible that

Employees will lose all benefit coverage. This may happen at any time, if Fermilab decides to terminate the Plan or any coverage under the Plan. In no event will anyone become entitled to any vested rights under this Plan.

GENERAL PROVISIONS

Statement of ERISA Rights

As a participant in the Plan you are entitled to certain rights and protections under the Employee Retirement Income Security Act of 1974 (ERISA). ERISA provides that all Plan participants shall be entitled to:

Receive Information about Your Plan and Benefits

- Examine, without charge, at the Plan Administrator's office and at other specified locations all documents governing the Plan, including insurance contracts, and collective bargaining agreements, and a copy of the latest annual report (Form 5500 Series) filed by the Plan with the U.S. Department of Labor and available at the Public Disclosure Room of the Employee Benefits Security Administration. The Plan Administrator's Office is located at Robert R. Wilson Hall, 15th floor.
- Obtain, upon written request to the Plan Administrator, copies of documents governing the operation of the Plan, including insurance contracts and collective bargaining agreements, and copies of the latest annual report (Form 5500 Series) and updated summary plan description. The Administrator may make a reasonable charge for the copies.
- Receive a summary of the Plan's annual financial report. The Plan Administrator is required by law to furnish each participant with a copy of this summary financial report.

Prudent Actions by Plan Fiduciaries

In addition to creating rights for Plan participants, ERISA imposes duties upon the people, who are responsible for the operation of the employee benefit plan. The people who operate the Plan, are

called “fiduciaries “of the Plan, have a duty to do so prudently and in the interest of you and other Plan participants. No one, including your employer, your union or any other person, may fire you or otherwise discriminate against you in any way to prevent you from obtaining a welfare benefit or exercising your rights under ERISA.

Enforce Your Rights

If your claim for a Plan benefit is denied or ignored, in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

Under ERISA there are steps you can take to enforce the above rights. For instance, if you request materials from the Plan and do not receive them within 30 days, you may file suit in a federal court. In such a case, the court may require the Plan Administrator to provide the materials and pay you up to \$110 a day until you receive the materials, unless the materials were not sent because of reasons beyond the control of the Administrator.

If you have a claim for benefits which is denied or ignored, in whole or in part, you may file suit in a state or federal court. If it should happen that Plan fiduciaries misuse the Plan’s money or if you are discriminated for asserting your rights, you may seek assistance from the U.S. Department of Labor, or you may file suit in a federal court. The court will decide who should pay court costs and legal fees. If you are successful, the court may order the person you have sued to pay these costs and fees. If you lose, the court may order you to pay these costs and fees, for example, if it finds your claim is frivolous.

Assistance with Your Questions

If you have any questions about the Plan, you should contact the Plan Administrator. If you have any questions about this statement or about your rights under ERISA, you should contact the nearest office of Employee Benefits Security Administration, U.S. Department of Labor listed in your telephone directory or the

Division of Technical Assistance and Inquiries
Employee Benefits Security Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

You may also obtain certain publications about your rights and responsibilities under ERISA by calling the publications hotline of the Employee Benefits Security Administration.

INFORMATION ABOUT THE PLAN

Name of the Plan

Fermi Research Alliance, LLC/
Fermi National Accelerator Laboratory
Severance Pay Plan

Plan Number

516

Plan Sponsor

Fermi Research Alliance, LLC/
Fermi National Accelerator Laboratory
P.O. Box 500
Batavia, Illinois 60510

Sponsor Employer I.D.

57-1239010

Plan Administrator

Head of Workforce Development and Resources
Section
Fermi National Accelerator Laboratory
P.O. Box 500
Batavia, Illinois 60510
(630) 840-3396

Agent for Service of Legal Process

Plan Administrator

Pay Plan

Calendar Year